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July 2, 2015

**VIA E-MAIL TRANSMISSION  
AND ECF FILING**

The Honorable Robert E. Gerber  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, New York 10004

**Re: In re Motors Liquidation Company, *et al.*  
Case No. 09-50026 (REG)**

**Letter Regarding Update on Related Proceedings**

Dear Judge Gerber:

King & Spalding LLP is co-counsel with Kirkland & Ellis LLP for General Motors LLC (“**New GM**”) in the above-referenced matter. As requested by the Court at the July 1, 2015 hearing, the following summarizes what has transpired since the Court entered its Judgment on June 1, 2015 [Dkt. No. 13177] (“**Judgment**”):

**1. Notices of Appeal and Notices of Cross-Appeal:** The following parties have filed notices of appeal with respect to the Judgment: (i) the Elliott Plaintiffs and the Sesay Plaintiffs [Dkt. Nos. 13179, 13180]; (ii) Designated Counsel for the Ignition Switch Plaintiffs [Dkt. No. 13185]; (iii) Designated Counsel for the Ignition Switch Pre-Closing Accident Plaintiffs [Dkt. No. 13194]; and (iv) the Groman Plaintiffs [Dkt. No. 13209]. New GM and the GUC Trust/GUC Trust Unitholders each filed notices of cross-appeal with respect to the Judgment [Dkt. Nos. 13200, 13204]. Each party that has filed a notice of appeal or a notice of cross-appeal has also filed a statement of issues on appeal/designation of record on appeal.

On June 29, 2015, New GM filed a motion to strike (“**Motion to Strike**”) certain documents designated for the record on appeal by Designated Counsel [Dkt. No. 13263]. The hearing date on the Motion to Strike is July 16, 2015, but the parties will attempt to resolve the Motion to Strike in advance of that date.

Honorable Robert E. Gerber  
July 2, 2015  
Page 2

In addition, on June 11, 2015, the Bledsoe Plaintiffs (who are represented by counsel who also represents the Elliott Plaintiffs and Sesay Plaintiffs) filed a motion for reconsideration/re-argument (“**Motion for Reconsideration**”) with respect to the Judgment. New GM’s response to the Motion for Reconsideration will be filed on Monday, July 6, 2015. The Bledsoe Plaintiffs’ action in filing the Motion for Reconsideration effectively tolled the time to appeal for all parties under Bankruptcy Rule 8002(b), until an order resolving the Motion for Reconsideration is entered (“**Reconsideration Order**”). See Fed. R. Bankr. P. 8002(b)(1)-(2). The parties have filed pleadings that assumed there was no tolling. However, once the Reconsideration Order is filed, new notices of appeal, statement of issues/designation of record and the Petitions and Cross-Petitions (item 2 hereof) may need to be refiled (and amended if necessary based on the Reconsideration Order).

**2. Petitions and Cross-Petition for Direct Appeal:** Notwithstanding the Motion for Reconsideration filed by counsel for the Bledsoe Plaintiffs, on June 18, 2015, that same counsel on behalf of the Elliott Plaintiffs filed with the Second Circuit a Petition (“**Elliott Petition**”) seeking a direct appeal of the Judgment. As noted, while the filing of the Motion for Reconsideration tolled the direct appeal process, out of an abundance of caution, on June 29, 2015, New GM filed a Response and Cross-Petition (“**New GM Cross-Petition**”) with the Second Circuit in response to the Elliott Petition, and requested that the Second Circuit authorize a direct appeal of the Judgment. Also on June 29, 2015, Designated Counsel for the Ignition Switch Plaintiffs and Ignition Switch Pre-Closing Accident Plaintiffs filed with the Second Circuit a motion to intervene in the appeal and a response to the Elliott Petition and the New GM Cross-Petition (“**DC Direct Appeal Pleadings**”), asserting that a direct appeal of the Judgment to the Second Circuit is not warranted, and that the appeal should be heard by the District Court in the first instance.<sup>1</sup> The GUC Trust indicated at the July 1 hearing that it will shortly file a Cross-Petition requesting that the Second Circuit directly hear all appeals and cross-appeals of the Judgment.

**3. Motions to Withdraw the Reference/No Strike Pleadings:** The States of California and Arizona (collectively, the “**States**”) filed No Strike Pleadings (as defined in the Judgment) with the Court on June 16, 2015 [Dkt. Nos. 13210, 13211]. The deadline for New GM to respond to the States’ No Strike Pleadings is currently July 10, 2015. Also on June 16, 2015, the States, collectively, filed a motion to withdraw the reference with respect to their No Strike Pleadings [Dkt. No. 13213]. The deadline for New GM to respond to the States’ Withdrawal Motion is, by agreement, currently July 13, 2015.

Designated Counsel for the Ignition Switch Plaintiffs and Certain Non-Ignition Switch Plaintiffs filed a No Strike Pleading/Objection Pleading/GUC Trust Asset Pleading (“**Omnibus Judgment Pleading**”) with the Court on June 24, 2015 [Dkt. Nos. 13247]. The deadline for New GM, the GUC Trust and the GUC Trust Unitholders to respond to the Omnibus Judgment

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<sup>1</sup> On June 30, 2015, Designated Counsel for the Ignition Switch Plaintiffs and Ignition Switch Pre-Closing Accident Plaintiffs filed with the Second Circuit a Notice of Errata (“**Errata**”) with respect to the pleadings filed with the Second Circuit on June 29, 2015. Copies of the Elliott Petition, the New GM Cross-Petition, the DC Direct Appeal Pleadings and the Errata are annexed hereto as Exhibits “1” through “4,” respectively.

Honorable Robert E. Gerber  
July 2, 2015  
Page 3

Pleading is currently July 20, 2015. Also on June 24, 2015, Designated Counsel filed a motion to withdraw the reference with respect to the Omnibus Judgment Pleading [Dkt. No. 13250]. The deadline for New GM, the GUC Trust and the GUC Trust Unitholders to respond to Designated Counsel's Withdrawal Motion is currently July 13, 2015. The GUC Trust requested, and Designated Counsel has consented, to an extension of their and the Unitholders' time to respond to Designated Counsel's Withdrawal Motion until July 23, 2015.<sup>2</sup>

**4. Letters Respecting Motion Practice on Second Amended Consolidated Complaint:** On June 12, 2015, Lead Counsel in MDL 2543 filed its Second Amended Consolidated Complaint. As required by MDL Order No. 60, New GM and Lead Counsel in MDL 2543 each submitted letter briefs to Judge Furman regarding the timing and scope of motion practice on the Second Amended Consolidated Complaint. Copies of New GM's and Lead Counsel's letter briefs filed in MDL 2543 are annexed hereto as Exhibits "5" and "6" respectively.

**5. Update Letter to Judge Furman:** Today, July 2, 2015, counsel for New GM and Lead and Liaison Counsel filed a joint letter ("**Joint Letter**") addressed to Judge Furman to advise on matters of possible significance in proceedings related to MDL 2543, which includes an update on the status of this bankruptcy case. A copy of the Joint Letter, without exhibits,<sup>3</sup> is attached hereto as Exhibit "7."

Counsel for New GM has shared a draft of this letter with Designated Counsel, and counsel for the GUC Trust and the GUC Trust Unitholders, and their comments are incorporated herein.

Respectfully submitted,

/s/ Arthur Steinberg

Arthur Steinberg

AJS/sd  
Encl.

cc: The Honorable Jesse M. Furman  
Edward S. Weisfelner  
Howard Steel  
Sander L. Esserman

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<sup>2</sup> There have been No Strike/No Stay/Objection Pleadings also filed in the Bankruptcy Court by *Pillars*, *Walton*, and *Hailes*. New GM will respond to each of these pleadings in accordance with the procedures set forth in the Judgment. The Bankruptcy Court has scheduled a hearing on the *Pillars*' No Stay Pleading for July 16, 2015.

<sup>3</sup> There are 23 exhibits annexed to the Joint Letter, most of which are documents that have previously been filed with this Court; the other documents are either attached as exhibits to this letter, or do not appear relevant to this bankruptcy case. To the extent the Court believes any other exhibits should be filed, New GM will do so promptly.

Honorable Robert E. Gerber  
July 2, 2015  
Page 4

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